

REMARKS

In the application claims 1-28 and 30-50 remain pending. Claim 29 has been canceled. The claims have been amended to more distinctly recite what is regarded as the invention as well as to ensure proper antecedent bases. Support for the amendments is found in the specification and figures as originally filed. No new matter has been added.

The pending claims presently stand rejected under 35 U.S.C. § 102 as being anticipated by Van Ryzin (U.S. Patent No. 6,127,941) or under 35 U.S.C. § 103 as being rendered obvious by Van Ryzin as modified by one or more of Van Ee (U.S. Patent No. 6,208,341) and Hashimoto (U.S. Patent No. 5,554,980).

The reconsideration of the rejection of the claims is respectfully requested.

The claimed invention is directed to a controlling device having a device mode toggle feature. By way of example, page 11, lines 7+ of the subject application describes that a device mode toggle feature allows the controlling device to be toggled between various device mode states that, in the prior art, were attainable only via actuation of specific or dedicated device mode keys. By way of further example, page 13, lines 10+ of the subject application describes that a device mode toggle feature allows actuation of a single key of the controlling device to cause the controlling device to cycle through various device mode states, i.e., to sequentially assume each device mode state that is maintained within a list of device mode states that is stored within a memory of the controlling device.

Turning now to Van Ryzin, it is respectfully submitted that Van Ryzin is representative of the prior art and discloses nothing more than a remote control having dedicated device mode keys which are individually actuatable/selectable to place the remote control into a corresponding device mode state. In Van Ryzin, the remote control presents to a user a plurality of dedicated device mode state selections, e.g., a TV icon, a CD player icon, a stereo icon, and

the remote control is placed into a device mode state configuration, e.g., a device mode state configuration to control a TV, a CD player, or a stereo receiver, *solely as a function* of the one of the plurality of device modes state selections ultimately selected by the user. (Col. 5, lines 20+). Thus, while Van Ryzin does disclose the claimed programming within a controlling device responsive to a receipt of an input, e.g., the selection of one of the dedicated device mode state icons, for directly selecting one of a plurality of device mode states, e.g., the device mode state corresponding to the device mode state icon ultimately selected by the user, it is respectfully submitted that Van Ryzin does not disclose a device mode toggle feature, namely, programming within a controlling device responsive to a receipt of an input for selecting, as a function of at least one of a one of the plurality of device mode states the controlling device is in at a time the input is received and a one of the plurality of device mode states the controlling device was placed into a last time the input was received, one of a subset of a plurality of device mode states to thereby be used as the configuration for the controlling device. For at least this reason it is respectfully submitted that Van Ryzin fails to anticipate or render obvious, considered alone or in combination with Van Ee or Hashimoto, the invention now recited in claims 1-28 and 30-45 and, as such, the rejection of claims 1-28 and 30-45 must be withdrawn.

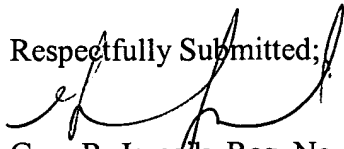
It is further respectfully submitted that, since the remote control of Van Ryzin presents to a user a plurality of dedicated device mode state selections and the remote control is placed into a device mode state configuration *solely as a function* of the one of the plurality of device modes state selections ultimately selected by the user, Van Ryzin fails to disclose, teach, or suggest a remote control which responds to input by storing in a remote control data indicative of a device mode state whereby such stored data is later used in connection with an actuation of a device mode state toggle key to return the controlling device to a desired device mode state. Similarly, since the remote control of Van Ryzin presents to a user a plurality of dedicated device mode

state selections and the remote control is placed into a device mode state configuration solely as a function of the one of the plurality of device modes state selections ultimately selected by the user, it is respectfully submitted that Van Ryzin fails to disclose, teach, or suggest storing within a memory of a controlling device a circular list of device mode states or using a current position within such a list stored in memory, e.g., using the device mode state that is next within the stored list, to determine into which of a plurality of device mode states a controlling device is to be placed upon actuation of a device mode state toggle key. While the Office Action has cited to Col. 6, lines 55-65 as disclosing these claimed elements, it is respectfully noted that the cited to paragraph of Van Ryzin discloses nothing more than transferring a playlist from the Van Ryzin controlling device to a CD player where the playlist is then stored within the memory of the CD player. Accordingly it is respectfully submitted that Van Ryzin fails to anticipate or render obvious, alone or in combination with Van Ee or Hashimoto, the invention now recited in claims 46-50 and, as such, the rejection of claims 46-50 must be withdrawn.

CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

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Respectfully Submitted;

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